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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,988	02/04/2002	Tony Gioutsos	60,256-044	4219

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EXAMINER

GOINS, DAVETTA WOODS

ART UNIT PAPER NUMBER

2632

DATE MAILED: 07/01/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/066,988

Applicant(s)

GIOUTSOS ET AL.

Examiner

Davetta W. Goins

Art Unit

2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2004.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 20-29 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 1-11 is/are allowed.
6) ☒ Claim(s) 20 and 21 is/are rejected.
7) ☒ Claim(s) 22-29 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Allowable Subject Matter

1. Claims 1-11 are allowed.
2. Claims 22-29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
3. The following is a statement of reasons for the indication of allowable subject matter:
Stove discloses a control system with driver monitoring sensors located within the steering wheel of the car. Upon the sensors detecting the grip of the driver's hand, lead wires connected to the sensing means will send a signal to operate either a cellular phone 30. The grip sensors, which may be magnetostrictive sensors, are also connected to the horn for operation (col. 3, lines 44-67; col. 4, lines 1, 2; col. 5, lines 8-67; col. 6, lines 1-21). However, Stove nor any other prior art of record disclose in their entirety the claimed vehicle system comprising an activation surface for receiving contact by a user to activate a horn; a ferromagnetic element mechanically coupled to the activation surface; a magnetostrictive sensor coupled to the ferromagnetic element and generating a signal based upon stress in the ferromagnetic element caused by contact on the activation surface; and a horn switch activated based upon the signal from the magnetostrictive sensor.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 20 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Stove (US Pat. 5,453,929).

In reference to claim 20, Stove discloses a) the claimed first activation surface for receiving force by a user to activate a first vehicle function, which is met by a steering wheel 10 including electrodes 12, 14 that detect the grip of a driver's hand on the steering wheel 10 (col. 3, lines 13-43; col. 4, lines 7-60), and b) the claimed magnetostrictive sensor coupled to the activation surface and generating a first signal based upon force applied to the first activation surface, the first signal activating the first vehicle function, which is met by the strain of the driver's grip upon the wheel is determined by a strain gauge, such as a magnetostrictive type, to then operate a cellular telephone 30 or a horn 72 (col. 3, lines 44-67; col. 4, lines 1, 2; col. 5, lines 8-67; col. 6, lines 1-21).

In reference to claim 21, Stove discloses the claimed vehicle function is a vehicle horn, which is met by horn 72 (col. 5, lines 8-67; col. 6, lines 1-21).

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6. Applicant's arguments with respect to claims 1-11 and 20-29 have been considered but are moot in view of the new ground(s) of rejection.

7. The prior art of record and not relied upon is considered pertinent to the applicant's disclosure as follows. Dash (US Pat. 5,471,192), Gagnon et al. (US Pat. 5,865,463), Mazur et al. (US Pat. 6,203,059 B1), and Stanley (US Pat. 6,260,879 B1), which disclose devices that are operated by a magnetostrictive means.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Davetta W. Goins whose telephone number is 703-306-2761. The examiner can normally be reached on Mon-Fri with every other Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on 703-308-6730. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DAVETTA W. GOINS
PRIMARY EXAMINER



D.W.G.
June 28, 2004

Davetta W. Goins
Primary Examiner
Art Unit 2632